

Thursday, 10 o'clock. A. M.
January 20, 1848.

The Senate was called to order by the President. The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Bache, Clark, Cuny, Dancy, Gage, Grimes, Jewett, McRae, Navarro, Perkins, Phillips, Wallace, Williams and Wooten—quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Cuny, Mr. Williamson was excused from attendance on account of sickness.

Mr. Clark, chairman of the committee on the Judiciary, made the following report:

Committee Room,
Jan. 20th, 1848.

Hon. JOHN A. GREER,
President of the Senate :

The Judiciary committee, to whom was referred "an act to remove the disability of minority from William Stean, jr., so as to enable him to receive his portion of the estate of his deceased parents," have had the same under consideration, and instruct me to return it to the Senate, and recommend its passage.

EDWARD CLARK, Chairman.

Mr. Perkins, Chairman of the Committee on Private Land Claims, to whom the petition of sundry persons, asking some donation for William B. Andrews, was referred, reported the same back to the Senate, with a former report made by the Judiciary committee, and recommended the adoption of said report.

Mr. Phillips, chairman of the committee on Education, made the following report:

Committee Room,
January 20th, 1848.

Hon. JOHN A. GREER,
President of the Senate :

The committee on Education, to whom was referred a bill to incorporate and establish Guadalupe College, have instructed me to report said bill to the Senate without amendment, and recommend its passage.

A. H. PHILLIPS, Chairman.

Mr. Dancy, Chairman of the committee on State affairs made the following report.

Committee Room,
January 19th, 1848.

J. A. GREER,
President of the Senate :

The committee on Affairs of State, to whom were referred "a bill to be entitled an act to authorize William Primm, of Fayette county, to emancipate certain persons therein named:" "a bill to be entitled an act to confer upon certain persons therein named, a surname:" "a bill to be entitled an act to empower certain persons therein named to inherit the estate of William Primm:" and a resolution requesting the said committee to "enquire into the propriety of providing by law, for the removal from the State, of all negroes who are now free, or who may be emancipated hereafter, &c.:" after considering the various matters embraced in the bills and resolution, have instructed me to report :--

That upon examining the laws and constitution of the State, they find a statute approved 5th February, 1840, which is intended to prevent the residence of free negroes in Texas, who have emigrated since the declaration of independence ; and two others, one approved 12th December, 1840, and one approved 15th December, 1840, which secure to certain free persons of color therein named, and all free persons of color, together with their families, who were residing in Texas, on the day of

the declaration of independence, the right to remain in Texas.

The constitution gives the Legislature the power to pass the bills, but the previous legislation of Texas has clearly shown a disposition to prevent an increase of the number of free negroes in the State. There are about two hundred and fifty free persons of color now in Texas, and the committee can see no good reason why the policy of the State should be changed, so as to increase the number. If slavery brings evil upon a country, free negroes bring still greater evils, and large numbers of free negroes mingled with slaves bring about the greatest of all evils. If these bills should be passed, the Legislature ought, in justice, to extend the same privileges to all persons similarly situated, or they would be establishing a species of *free negro exclusivism*, which is contrary to the spirit of our institutions.

The committee are opposed to that kind of legislation which fills our statute books with private acts, when general laws will answer all purposes, if the principles contained in the special laws be good. The question then properly before the committee is this: Is it the policy of Texas to encourage the increase of free negroes in the State? The committee think that this question should be settled at once. Believing free negroes to be the greatest of all nuisances in a slave state, the committee hope that the Senate will decide in favor of the settled policy of the State, and refuse to pass the bills and let the laws remain as they now stand.

The committee have a duty to discharge to the State, and although a *Father* has appealed to their sympathies in behalf of his *children*, and although they have no right to control the peculiar taste of any individual, who may regret the unfortunate position in which he has placed himself, by the indulgence of his feelings; they do not feel disposed to encourage others, to put themselves in a similar situation. When a man places himself by his own act, in a disagreeable situation, contrary to the laws of the country, in violation of public sentiment, and in opposition to the moral feelings of the people among whom he resides, he ought to bear his misfortunes with the resignation of a martyr, or migrate to a country whose institutions are more in accordance with his situation and feelings.

The committee have, therefore, instructed me to return the

resolution and bills to the Senate and recommend their indefinite postponement.

JON W. DANCY,
Chairman.
HENRY J. JEWETT,
WM. M. WILLIAMS,
EDWARD CLARK.

Mr. Clark, chairman of the committee on the Judiciary, made the following report:

Committee Room,
January 20th, 1848.

Hon. JOHN A. GREER,
President of the Senate:

The Judiciary committee have had under consideration, "A bill to be entitled an act to provide for vesting in the State escheated property," and have made the following amendments thereto.

First amendment.

Add to section 11th, "and if the same be personal property or real estate, he shall dispose thereof at public auction, in the manner provided by law, for the sale of property under execution."

Second amendment.

Substitute the twelfth section, as follows:

"That the District Attorney for the district, shall cause two copies of the record and account of sale, to be exemplified under the seal of the Court, and shall cause one of the same to be deposited in the office of the Comptroller of Public Accounts, and the other to be recorded in the office of the recorder of the county in which the property was sold, and such record shall preclude all parties and privies thereto, their heirs and assigns."

Third amendment.

In the 15th section, strike out the words, "within ten years," in second line, and in seventh line, strike out, after the word "estate" the words "is situated" and insert, the words "was sold."

Fourth amendment.

Strike out the 17, 18, 19, 20 and 21st sections.

Fifth amendment.

Strike out the words, "the Treasurer and Comptroller of the State" in the 12th and 13th lines of the 22nd section and insert the word "him."

The subject of forfeitures and escheats, is one which seems to have engaged the attention of the Legislative assemblies of the country, from its earliest history as a nation, to the period of the termination of its national character. By reference to the fourth section of the thirteenth article, or schedule of the Constitution; it will be seen that, all fines, penalties, forfeitures and escheats, which under the laws and Constitution of the Republic; had accrued to the Republic, are secured to the State; and by the same part of the constitution, the Legislature is required to provide a method for determining what lands may have been forfeited or escheated. The committee then suppose it incumbent upon the Legislature to do that which the constitution directs in this behalf, and without here entering into a discussion of the power of the State, on the subject of this bill, or its policy, the same is herewith returned with the amendments specified, and recommended to the favorable consideration of the Senate.

EDWARD CLARK,
Chairman.

Mr. Perkins Chairman of the committee on engrossed bills, reported as correctly engrossed "a bill to be entitled an act to regulate the issuance of certificates for land to the soldiers of the first regiment of Infantry of the late Republic of Texas, or to their heirs and assigns;" also "a bill to be entitled an act to define the boundary lines of Matagorda county."

The Senate proceeded to the orders of the day.

The resolution from the House of Representatives relative to the election of District Attorneys, was read.

And, on motion of Mr. Clark, was laid on the table indefinitely.

A message was received from the House of Representatives

through their Chief Clerk, informing the Senate that the House had passed the following bills and Joint Resolutions, viz:

A bill to be entitled an act to amend an act supplementary to an act to create and organize the county of Panola.

A bill to be entitled an act requiring all officers of this State to continue to perform the duties of their offices until their successors are elected and qualified according to law.

A bill to be entitled an act to authorize the city of Galveston to appoint Firemen and to exempt the same from Militia and Jury duty.

Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to procure additional mail services.

And that the House had concurred in the amendments of the Senate to a bill to be entitled an act authorizing the County Court of Red River county to have the records in books A. B. and C., of Deeds, Mortgages and other instruments of writing, now in the office of said county transcribed.

Also, that the House had refused to recede from their substitute for a Joint Resolution originating in the Senate, instructing our Senators and Representatives in Congress to procure the passage of an act establishing two districts for the United States Court, and have appointed Messrs. Miller of Houston, Willie, Tankersly, Potter and Crutcher a committee of conference, and request the appointment of a similar committee by the Senate.

A message was received from his Excellency the Governor, presenting a communication in writing, which was read;

And, on motion of Mr. Cuny, made the special order of the day for Monday next.

The Resolution relative to appointing a committee to examine into the General Land Office, was read.

Mr. Phillips moved to amend by inserting after the word "appropriation" in sixth line, the words "by the last Legislature."

Lost.

Mr. Phillips then moved to strike out the following words, "also to enquire whether or not the said Commissioner has committed any malfeasance or partiality in the discharge of the duties of his office."

Mr. Dancy moved to amend the amendment by striking out the words "whether or not said Commissioner has committed any malfeasance or partiality in the discharge of the duties of

his office." and insert "into all matters relating to the discharge of his duties as Commissioner"

Lost.

The question recurred on Mr. Phillip's motion.

Adopted.

Mr. Brashear moved to amend by adding after the word "examination" "within one week from this date."

Mr. Perkins moved to amend by adding, "provided, if said committee do not report within one week from the adoption of this resolution, said committee shall then be discharged from the further consideration of the matters therein contained."

Which amendment was accepted by Mr. Brashear.

Mr. Dancy moved to strike out "one week" and insert "two weeks."

Upon which the yeas and nays were called—and stood thus:

YEAS—Messrs. Bearland, Clark, Cuny, Dancy, Gage, Grimes, Wallace and Williams—8.

NAYS—Messrs. Abbott, Brashear, Bache, Jewett, Navarro, Perkins, Phillips and Wooten—8.

There being a tie, the President voted in the affirmative, so the amendment was adopted.

Mr. Navarro moved the indefinite postponement of the resolution together with the amendments.

Upon which the yeas and nays were called; and stood thus.

YEAS—Messrs. Abbott, Brashear, Bache, Grimes, Jewett, Navarro, Perkins and Phillips—8.

NAYS—Messrs. Bourland, Clark, Cuny, Dancy, Gage, Wallace, Williams and Wooten—8.

There being a tie, the President voted in the affirmative.

So the resolution was indefinitely postponed.

Mr. Phillips introduced a bill to be entitled an act to authorize the Governor to appoint committees during the recess of the Legislature, to examine into the condition of the several Departments of the Government. Read first time.

A bill to be entitled an act defining the northern boundary line of Collin County.

Read third time and passed.

A bill to be entitled an act to regulate the issuance of certificates for land to the soldiers of the first regiment of Infantry of the late Republic of Texas, or to their heirs or assigns.

Read third time and passed.

A bill to be entitled an act to define the boundary line of Matagorda county.

Read third time and passed.

A bill to be entitled an act to authorize and require the Secretary of State to cause all the unbound acts and joint resolutions of the Congress of the Republic of Texas, and of the Legislature of the State, to be bound in volumes, together with the report of the committee on the Judiciary thereon was read, and bill ordered to be engrossed.

Joint resolution requiring the Attorney General to investigate the condition of the title to the various Islands within the limits of Texas, and if it be expedient, to cause legal proceedings to be instituted against persons claiming the same adversely to the State, together with the report of the committee on State Affairs thereon was read, and ordered to be engrossed.

A bill to be entitled an act for the relief of Seth Ingram, together with the report of the committee on Private Land Claims thereon was read, and

On motion of Mr. Williams, the bill was indefinitely postponed.

A Bill to be entitled an act to prohibit the Boards of Land Commissioners in each county in this State from issuing certificates to any claimant whatsoever, unless the applicant or claimant shall previously thereto have received a conditional certificate from some competent board, together with the report of the committee on State Affairs thereon, proposing amendments was read ; and

On motion of Mr. Williams, was recommitted to the committee on State Affairs.

On motion of Mr. Williams, a committee of conference on the part of the Senate was appointed, on joint resolutions instructing our Senators and Representatives in Congress to procure the passage of an act establishing two districts for the United States Court.

Messrs. Williams, Jewett and Clark were appointed said committee.

The resolution relative to ministerial officers, together with the report of the select committee thereon was read, and report adopted.

A bill to be entitled an act to amend the first section of an act, entitled an act, to extend to late emigrants, within a specified time, a donation of land, approved January 4th, 1838.

Read second time, and

On motion of Mr. Phillips, laid upon the table.

A bill to be entitled an act to organize the militia of Santa Fe. Read second time, and

On motion of Mr. Cuny, referred to the committee on the Militia.

A bill to be entitled an act to provide for the permanent location of the county seat of Cass county: read second time, and

On motion of Mr. Bourland, referred to the committee on Counties and County Boundaries.

A bill to be entitled an act to provide for the distribution of the Laws, Journals, and the Reports of the Supreme Court of Texas. Read second time, and

On motion of Mr. Clark, referred to the committee on State Affairs.

A bill to be entitled an act to regulate proceedings by certiorari and supersedeas in civil causes. Read second time, and

On motion of Mr. Wallace, referred to the committee on the Judiciary.

A bill to be entitled an act to locate the county seat of Navarro county. Read second time, and

On motion of Mr. Gage, referred to the committee on Counties and County Boundaries.

Joint resolutions requesting our Senators and Representatives in Congress, to procure the passage of a law, to compel the Judge of the District Court of the United States for the District of Texas, to reside permanently within his District. Read second time.

Mr. Phillips offered the following amendment: strike out of the preamble the words "and whereas the present Judge of the United States District Court for the District of Texas, has, since his appointment to that important office, remained but a small part of the time within his district."

The yeas and nays were called on the adoption of the amendment, and stood thus:

Yeas—Messrs. Bache, Dancy, Navarro, Phillips and Wallace—5.

Nays—Messrs. Abbott, Bourland, Brashear, Clark, Cuny, Gage, Grimes, Jewett, McRae, Perkins, Williams and Wooten—12.

So the amendment was rejected.

Mr. Phillips then moved to refer it to the committee on State Affairs. Lost.

On motion of Mr. Clark, the resolution passed to a third reading.

Joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to procure additional mail service. Read first time.

A bill to be entitled an act, supplementary to an act, to create and organize the county of Panola. Read first time.

A bill to be entitled an act to authorize the city of Galveston to appoint Firemen, and exempt the same from militia and jury duty. Read first time.

A bill to be entitled an act requiring all officers of this State to continue to perform the duties of their offices until their successors are elected and qualified according to law. Read first time.

On motion of Mr. Wallace, the Senate adjourned until tomorrow morning, 10 o'clock.

Friday, 10 o'clock, A. M.
January 21st, 1848.

The Senate was called to order by the President.

The following Senators answered to their names :

Messrs. Abbott, Bourland, Brashear, Bache, Clark, Cuny, Dancy, Gage, Grimes, Jewett, McRae, Perkins, Phillips, Wallace, Williams and Wootten—quorum present.

The Journal of the preceding day was read and adopted.

A message was received from the House of Representatives, through their chief clerk, informing the Senate that the House had passed the following bills, viz.:

A bill to be entitled an act to create the county of Cameron ;

A bill to be entitled an act to create the county of Webb ;

A bill to be entitled an act to create the county of Starr ; and

A bill to be entitled an act better defining the boundaries of Nueces county.

Mr. Williams presented the petition of citizens of Denton county, which was read ; and,

On motion of Mr. Williams, referred to the committee on Private Land Claims.

Mr. Clark, chairman of the committee on the Judiciary, made the following report :